

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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\* Docket No.: DCA 06 MM 001

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Interview of: MARGIE KIDON

National Transportation Safety Board  
 490 L'Enfant Plaza East, S.W.  
 Washington, DC 20594

Wednesday,  
 October 5, 2005

The above-captioned matter convened, pursuant to  
 notice, at 10:20 a.m.

BEFORE: MARIETTE BURER

## APPEARANCES:

MARIETTE BURER  
National Transportation Safety Board

PAT BARNES  
National Transportation Safety Board

STEVE RIVENBURGH  
New York State Park Police

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Margie Kidon:	
By Ms. Burer	4
By Mr. Rivenburgh	11
By Ms. Barnes	12

I N T E R V I E W

(10:20 a.m.)

MS. BURER: My name is Mariette Burer with the National Transportation Safety Board. It is Wednesday, October 5th, and it's 20 after 10. Next to me is?

MS. KIDON: I'm Margie Kidon. I'm the tour director for the City of Trenton, and I was on this boat trip.

MS. BURER: Okay, and next?

MS. BARNES: And I'm Pat Barnes, National Transportation Safety Board.

MR. RIVENBURGH: I'm Steve Rivenburgh, New York State Park Police.

BY MS. BURER:

Q. Okay, Ms. Kidon, why don't you go ahead and tell me.

A. We were walking down to the boat, and Carol says that we could take the 2:30 boat if everybody was there. And I had most of my people with me, and I will use this chart to show you where we sat. I was the first one with Barbara Bommarito, and we sat right here in these two seats to start. There was a seat change. And then I saw Ann McGunagle coming, and she needs help, and she's a very sweet woman, so I sat over here.

Q. Okay.

A. And then Anna May Hawley sat next to me, and Earl Hawley sat here. Barbara sat here, and Matt McGunagle sat here, Ann McGunagle sat here, Carol the tour director sat here.

1 I don't know who sat here. And these two seats were Joyce  
2 Chapman and Francis Rock. And these seats here, I believe it  
3 was the people from Bedford. And as people were boarding, they  
4 were all coming on this side, and the boat started tipping.  
5 And I yelled back, I said some of you have to sit on the other  
6 side because we're starting to go sideways.

7 Well, people got on both sides, and we took off and  
8 we were sightseeing, and I remember seeing a speedboat go by,  
9 and waves started coming. And the reason I remember this is I  
10 love to rock, and I thought oh, boy, we're going to rock.

11 Q. Right.

12 A. And as the first wave came, the boat started to go  
13 way over. And the next thing I saw was people on the other  
14 side falling off their chairs onto the floor and actually up  
15 and onto the people. Some went on the floor, and some went on  
16 top of people. Ann McGunagle came on top of me. Her walker  
17 was here, her walker came on me. My head kept hitting the  
18 window. It hit the window about three times, and then the boat  
19 was flipped. It happened within a few seconds. And I tried  
20 swimming up, and I kept hitting the roof of the -- well, the  
21 boat was upside down, so I kept hitting what I thought was the  
22 roof, but it was the bottom of the boat, and I was in this  
23 whole enclosed part, so I couldn't get out windows, I couldn't  
24 get out the top, and I couldn't get out the bottom.

25 And at that point, after three times trying, I says

1 so this is how I die today, drowning. And then my husband, my  
2 sister, my cat and my dog appeared in front of my eyes, and I  
3 thought you can't let that happen. So somehow, I must have  
4 moved in this period because when I pushed down, I went down,  
5 and I came out under the boat, and I came up, and my head came  
6 up right next to a dead body floating face down. I swam around  
7 the boat, and I saw everybody hanging onto the side of the  
8 boat, and I know you're not supposed to do that because if the  
9 boat goes down, you go with it.

10           So I saw a boat, and I swam to it. It was a bronze-  
11 colored boat, and the man inside said you can't get in, you can  
12 hang onto the boat, but you can't get in. And I said where  
13 should I hang on, and he says wherever you want, but you can't  
14 get in. And there was a white, cream-colored boat, and the man  
15 threw me a life jacket, and I grabbed it and kind of -- by this  
16 time, I was very tired, I kind of kicked to his boat, and I got  
17 to the ladder, and I got on the first step and he pulled me up  
18 onto his boat. And he had two little dogs, they were pug dogs  
19 with little orange life preservers. And I wish somebody could  
20 help me get their name, because I would love to thank them  
21 personally.

22           I wake up every night seeing this, and I think there  
23 were way too many people on that boat. There were a lot of  
24 heavy people on that boat. It might've held 50 people, but  
25 with the size of the people, there shouldn't have been more

1    than 25. One of my people, Nancy Drovich (ph.), she walked up  
2    to the boat, and she looked at it. I was sitting in it, and  
3    she said I'm not getting on that thing, and she turned around  
4    walked back. And, well, we were waiting, you know, to load.  
5    The boat was full, and the captain says I can take eight more  
6    people, and I'm thinking where is he going to put these people?  
7    You know, and then there were two more girls -- well, they  
8    were ladies. They didn't go because they didn't think there  
9    was room for them. And there really wasn't. There wasn't room  
10   for the last eight people they put on. You know, he just had  
11   that boat so overloaded. I really think the weight caused us  
12   to go under.

13       Q. Did you sustain any injuries?

14       A. The back of my head hurts. I've got bruises on my  
15   arm, my back, my legs. I don't know if I got gasoline burn  
16   because when I got to the hospital, I reeked with gasoline like  
17   for three days, and like where my brow would be, it looked like  
18   I was burned. And like right in here, I'm all raw.

19       Q. Did you actually stay in the hospital?

20       A. No. I was released. They had me tagged as near  
21   drowning, and once they got my vitals and got me to where I  
22   needed to be, they released me.

23       Q. How long were you at the hospital, do you think,  
24   then?

25       A. You know, I honestly don't know. I came home --

1 well, to our hotel, on the bus. They had us all in one room,  
2 and when they got everybody they were going to release, they  
3 brought us here by bus.

4 Q. Okay.

5 A. But I really don't know how long I was there.

6 Q. Did you notice anything in regards to personal life  
7 jackets or --

8 A. You know, the funny thing was -- no, there were none.  
9 I heard somebody say as we were -- we started cruising, I  
10 wonder where the life jackets are. And I don't know who said  
11 it. And where Barb and Matt were sitting, there was this box  
12 under the seat, and I pointed and I says they're probably in  
13 that box over there, never ever giving it a thought. But the  
14 captain never said where they were. He never said, you know,  
15 do you want to wear one, nothing. Nothing was ever mentioned  
16 about life jackets. I do this as part of my living, traveling  
17 with the seniors. And every boat you go on, they always say  
18 life jackets are under your seat, life jackets are above. He  
19 never even mentioned life jackets.

20 Q. How many people do you remember that actually needed  
21 help, like either with a cane or walker or --

22 A. There was one lady -- no, I'm sorry. There were two.  
23 Anna May Hawley has a cane that's fold-up, but Ann McGunagle  
24 had that walker with the basket and I had it sitting right here  
25 between our two benches.



1 Q. Okay.

2 A. There were no wheelchairs, and as far as I know, that  
3 was the only walker because nobody else had a walker.

4 Q. Okay. Did you help both of them then, or did the  
5 captain help?

6 A. To get on?

7 Q. To help the passengers get onto the boat or --

8 A. You know, I honestly don't know. I was the first one  
9 on, and like I said, we came up here and we're sitting here.  
10 We were real excited about going out, and then I just moved my  
11 seat and was watching the people get on, and they were all  
12 getting on this side, and we're going that way, and I said we  
13 got to move. And so then they started going on the other side.  
14 But normally, I don't even go on the boat rides. I'm a  
15 shopper, and I will take them down to the water and I tell them  
16 have a good time, and I'm back there when they come back to  
17 greet them, but I had Barb traveling with me, and I thought if  
18 I don't go, she won't go, and so I went for her. But I thank  
19 God that I did because I probably would've knocked myself out  
20 feeling bad that I put them on this boat. But being with them  
21 and being there with them, you know, on land, I felt I did the  
22 right thing this time.

23 Q. Right. Who was the person that actually did not want  
24 to board?

25 A. It was Nancy Drovich.

1 Q. Okay.

2 A. And she's from Trenton.

3 Q. Were there any other passengers that didn't board?

4 A. There were two girls. I keep calling them girls  
5 'cause they were younger than us. They were probably in their  
6 50's. They were the youngest of the group. And, you know, I  
7 don't even know what city, and I didn't know their names. So I  
8 couldn't help you with that.

9 Q. Okay. Okay. Can you tell me about the wave?

10 A. The wave, the wave that --

11 Q. Whatever happened.

12 A. The boat went -- I saw the speedboat go by, and I  
13 mean we were a little way from it, but I saw this ripple  
14 coming, and I was all excited because we were going to rock,  
15 you know. People, I had my back to the shore where the  
16 beautiful homes were. And people were looking at that, and I  
17 kept trying, and my head was -- my neck was getting sore, and I  
18 thought I'll see the homes on the way back.

19 Q. Right.

20 A. So I was watching that side and the wave coming in  
21 'cause I couldn't wait for the motion of the rock.

22 Q. Right.

23 A. And it never happened. It just went that way. Just  
24 flipped.

25 Q. I know we're kind of running out of time here --

1 A. Okay.

2 Q. -- 'cause it's about 10:30, and I also would like to  
3 talk to your friend.

4 A. To Barb.

5 Q. Yeah.

6 A. Okay.

7 MS. BURER: If there's any other questions that you  
8 guys have --

9 MS. BARNES: I'll let Steve go first.

10 BY MR. RIVENBURGH:

11 Q. Okay. My interest is in these waves that were coming  
12 at you. Were they small, large?

13 A. They were small. There was just, you know, it was --  
14 they weren't huge waves. They were like this.

15 Q. And you've seen boats before.

16 A. Oh, yes. I have taken --

17 Q. How big a boat was this that went by it?

18 A. It was just like one of the crew -- you know, the  
19 pleasure boats, like one of the ones that picked us up.

20 Q. Uh-huh.

21 A. You know --

22 Q. Coloring on it?

23 A. I didn't pay attention. You know, I was just kind of  
24 looking around and saw the waves and was excited that I was  
25 going to rock.

1 MS. BURER: Right.

2 BY MR. RIVENBURGH:

3 Q. But those were the only waves you saw?

4 A. That's all I saw, that boat that went by.

5 Q. Did you see the captain make any maneuvers?

6 A. He was trying to turn the boat. You know, when the  
7 waves started coming, he was trying to make a turn of some  
8 sort. You know, the boat was just kind of --

9 Q. Okay. Was he trying to turn into the wave, or away  
10 from the wave, or parallel to the wave?

11 A. Well, the wave was coming this way, and I think he  
12 was going -- I think he was kind of going this way.

13 Q. The same way the wave was going.

14 A. Yeah.

15 BY MS. BARNES:

16 Q. I guess -- were you --

17 MS. BURER: That's good. We need to have, if you  
18 wouldn't mind, fill out a diagram of where all these people  
19 were sitting.

20 MS. KIDON: Okay.

21 BY MS. BARNES:

22 Q. Or do you want me to -- if you want to dictate, then  
23 I'll --

24 A. Okay, Margie Kidon.

25 MS. BURER: Okay, just put down MK.

1 MS. KIDON: Oh, my goodness. Anna May Hawley.  
2 BY MS. BARNES:  
3 Q. Anna May Hawley.  
4 A. Earl Hawley.  
5 Q. Early Hawley?  
6 A. Uh-huh. Francis Rock and Joyce Chapman.  
7 Q. Francis -- say again?  
8 A. Rock.  
9 Q. R-O-C-K?  
10 A. Uh-huh.  
11 Q. Uh-huh.  
12 A. And Joyce Chapman.  
13 Q. Okay.  
14 A. Barb Bommarito.  
15 Q. Okay.  
16 A. Matt McGunagle.  
17 Q. Do we have a three here --  
18 A. No.  
19 Q. Or a two?  
20 A. That was a two-person bench.  
21 Q. Okay, Matt McGunagle.  
22 A. McGunagle. Ann McGunagle.  
23 Q. Okay.  
24 A. Carol Charlton.  
25 Q. Carol Charlton.

1           A.    And I don't know who the other person was. I just  
2   know the people in my group. The walker was right there, I --  
3   the little wheel cart walker.

4           Q.    Okay.

5           A.    Back behind these people, I know they were the people  
6   from Bedford because -- but I don't know their names. They  
7   came to our center to get picked up, and I don't know if this  
8   is going to help you or not, but this is one of the reasons I  
9   really needed to talk to you. Earl and all of these people  
10  perished, all of --

11          Q.    Okay.

12          A.    From Earl, Francis, Joyce and the six people from  
13  Bedford all died.

14          Q.    Oh. So there were two rows of Bedford folks?

15          A.    Yes. And they all passed away.

16                MS. BURER: Earl, Francis and the other people from  
17  Bedford.

18                MS. KIDON: Yeah, all the Bedford people.

19                MS. BURER: So that's Bedford and Bedford.

20                MS. KIDON: Right.

21                MS. BURER: Okay.

22                MS. KIDON: and the only reason I knew it was the  
23  Bedford people was they came to our center to get picked up,  
24  and I was introduced to their head person, and she was sitting  
25  right there.

1 MS. BURER: Now as far as any openings --

2 MS. KIDON: Okay. This aisle here, Earl was the end  
3 of the enclosure. This whole front right here was completely  
4 enclosed.

5 MS. BURER: Okay.

6 MS. KIDON: And right where Francis and -- Francis  
7 and Joyce are, that's where the openings started.

8 MS. BURER: Okay. And the person with the cane --

9 MS. KIDON: That was Anna May Hawley, and this is the  
10 person with the walker.

11 MS. BURER: Okay.

12 MR. RIVENBURGH: And her name was McGunagle?

13 MS. BURER: Ann McGunagle.

14 MS. KIDON: Ann McGunagle. Uh-huh. And for the  
15 other people, I couldn't tell you where they were sitting.

16 MS. BARNES: That's fine. I mean this is excellent,  
17 what you've been able to give us.

18 MS. KIDON: Well I thought about that in bed and I  
19 thought, you know, from Earl -- the first three rows all died.  
20 You know, did they get knocked out, you know? Because Earl is  
21 a scuba diver. He's a very good swimmer.

22 MS. BURER: Right, right.

23 MS. KIDON: So I couldn't imagine him not being able  
24 to swim. You know, because as we're going out, Anna May and I  
25 were talking about, you know, when they went to the Caribbean

1 they went scuba diving, they went snorkeling, and they had  
2 their own tanks. And so this man, of all people, should have  
3 swam out.

4 MS. BURER: Right. I think what I'm going to do is,  
5 if it's okay with you is -- and everyone else here -- conclude  
6 this interview.

7 MS. KIDON: Okay.

8 MS. BURER: Could you please acknowledge that it's  
9 been recorded?

10 MS. KIDON: Yes. I understand it's been recorded. I  
11 hope this helps you.

12 MS. BURER: Okay. Thank you.

13 (Whereupon, the interview in the above-entitled  
14 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            Investigation of MV Ethan Allen  
                                 Lake George, New York  
                                 October 2, 2005  
                                 Interview of Margie Kidon

DOCKET NUMBER:            DCA 06 MM 001

PLACE:                        Washington, D.C.

DATE:                         October 5, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

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Trevy Thomas  
Transcriber